

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

CLINTON A. KRISLOV,
for himself and as Class Counsel,

Petitioner,

Docket No: 06-0421

Petition for a Declaratory Ruling that
SBC's (d.b.a. AT&T) Billing Practices
are in Violation of the Illinois Administrative
Code Section 735.160(a).

Petitioner Clinton A. Krislov petitions the Commission to find that SBC
Communication's (formerly Illinois Bell, d.b.a. AT&T) billing practices fail to comply with the
Illinois Administrative Code; specifically for omitting any dated postmark on the bill envelope.

I. Statement of Facts

1. Mr. Clinton A. Krislov is a customer of SBC, receives his bill by mail and has
paid at least one late charge in the past 12 months. He brings this case as an individual and as
class counsel for the certified class of customers who settled their dispute over SBC's
predecessor's mailing practices, which have been resumed for non-compliance with the
applicable law. Although Krislov has petitioned the court for enforcement under the settlement,
SBC maintains that class counsel must nonetheless seek this commission's ruling on the issue.
Hence, this petition.

2. SBC's bills, as currently presented to customers, do not display a dated postmark
as required by the Illinois Administrative Code (83 Ill. Admin. Code Chap. I, Section
735.160(a)). (A true and correct copy of the bill is attached hereto as Tab 1)

3. The Illinois Administrative Code specifically requires that

“the due date printed on the monthly bill may not be less than twenty-one (21) days after the date of the postmark on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means.”

83 Ill. Admin. Code Chap. I, Section 735.160(a) (Tab 2). The regulation’s purpose of a dated postmark (under United State’s Postal Service Regulations a postmark is located in the “indicia” position in the upper right corner of the envelope) serves to guarantee the date of mailing, because it is subjected to independent audit by the United States Postal Service. *See* The United States Postal Service’s Domestic Mail Manual, Section 604.4.8.3 - 604.4.8.13 (Attached hereto as Tab 3) and may also be verified by customers.

4. Contrary to this, for a number of years SBC’s predecessor Illinois Bell issued its bill by a First Class Pre-sort manner that bore no dated postmark on the envelope. In 1991, litigation began against Illinois Bell for its violations of the ICC Regulation. (In re Illinois Bill Telephone Link-Up II and Late Charge Litigation, Cook Co. Circuit Court No. 91 CH 930). In 1993, the parties entered into a settlement and Illinois Bell agreed to post a dated mark, monitored by the undersigned as class counsel and thereafter a dated postmark appeared in the indicia location for a number of years.

5. Although counsel attempted to bring the matter back before the Cook County Circuit Court, No. 05CH 013088, the court refused to refer the matter to the ICC, remarking that counsel is free to do so separately, if he so chooses. Thus, counsel submits this petition.

6. SBC’s Bill Mailing Practices. Following SBC’s acquisition of Ameritech, SBC centralized Illinois Bell’s billing in California under SBC’s own process. SBC mails its bills to customers in a windowed envelope, which has no postmark on the envelope that shows the date of mailing as required by the regulation. (*See* Tab 1). As, Mr. Mick Mocettini, SBC Services,

Inc.'s Senior Technical Team Leader in the Information Technology Department for, testified in a deposition taken on December 5, 2005:

Q. So for review, just so I've got this absolutely clear, you don't postmark the envelope, right?

A. No postmark on any of the mail.

(Mocettini Dep. 47:16-19)(Attached hereto at Tab 4).

7. Instead, and in violation of the ICC Regulation, SBC places an arbitrary date above the address line (on the bill, located inside the envelope) which gives absolutely no indication of its purpose (i.e. whether it is the bill's run date, mailing date, or otherwise).

8. The U.S. Postal Service does not audit the date in the address window, but would audit the date in the upper right "indicia" position. (*See* Tab 3 at 604.4.8.13.).

9. Indeed, since there is no 'objective audits' by the U.S. Postal Service of the mailing date, the customer cannot verify the date of mailing, thus is unable to confirm that he or she has actually received the required 21 days to timely pay their bill without a late charge.

10. Thus, SBC's mailing practices do not conform to the regulation.

II. Specific Relief Sought by the Petitioner

11. For the reasons set forth herein, Petitioner requests the Illinois Commerce Commission to review SBC's billing practices and issue a declaratory ruling that these practices do not conform to the requirements of Illinois Commerce Commission's Regulation, 83 Ill. Admin. Code Chap. I, Section 735.160(a).

Date: May 12, 2006

Respectfully submitted,



Clinton A. Krislov
20 North Wacker Drive. Ste. 1350
Chicago, Illinois 60606
Tel: 312-606-0500
Fax: 312-606-0207
Clint@Krislovlaw.com

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AFFIDAVIT OF CLINTON A. KRISLOV

I, Clinton A. Krislov, declare the following facts are true, to the best of my knowledge,
information and belief:

1. My full name is Clinton A. Krislov and I submitted the Petition for a Declaratory
Ruling that SBC's (d.b.a. AT&T) Billing Practices are in Violation of the Illinois Administrative
Code Section 735.160(a), dated May 12, 2006.

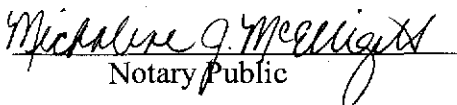
2. I personally drafted and read the petition prior to its submission and declare that
the information submitted is true to the best of my knowledge.

Further affiant sayeth not.

Dated: May 24, 2006


CLINTON A. KRISLOV

SUBSCRIBED and SWORN to before
me this 24th day of May, 2006.


Notary Public

"OFFICIAL SEAL"
MICHAELNE J. MELLIGOTT
Notary Public, State of Illinois
My Commission Expires 12/06/2009